

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|--|---|-------------------------|
| PI, INC., |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | |
| |) | |
| M. MELANIE BEENE, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants and Third-Party</i> |) | No. 1:12-cv-350-HSM-SKL |
| <i>Plaintiffs,</i> |) | |
| |) | |
| v. |) | |
| |) | |
| JAMES JEFFERSON BEENE, II, <i>et al.</i> , |) | |
| |) | |
| <i>Third-Party Defendants.</i> |) | |

ORDER

Before the Court are a second motion to compel and motion for sanctions [Doc. 50] filed by Defendants and Third-Party Plaintiffs (hereafter the “Minority Shareholders”); two unopposed motions for leave to file documents under seal filed by the Minority Shareholders [Docs. 52 & 68]; and a motion for protective order [Doc. 60] filed by Plaintiff and Third-Party Defendants (hereafter the “Majority Shareholders”); An extensive hearing was held on the motions on March 3, 2014. Present at the hearing were Attorney Brian C. Quist on behalf of the Majority Shareholders and Attorneys Cameron S. Hill and Clinton P. Sanko on behalf of the Minority Shareholders.

After considering the parties’ briefs and argument, the Minority Shareholders’ second motion to compel and motion for sanctions [Doc. 50] is **GRANTED IN PART** with respect to the appointment of a special master and the production of additional ESI, including the requested electronic calendars (subject to the redaction or protection of personal health information recorded in the calendars). A separate order will enter regarding the special master, upon the Court’s

consideration of the order to be proposed by the parties no later than **Friday, March 7, 2014**. The Minority Shareholders' second motion to compel and motion for sanctions [Doc. 50] is **DENIED IN PART** regarding the Minority Shareholders' request for monetary or other sanctions at this time.

The Court will **RESERVE RULING** on the Majority Shareholders' motion for protective order [Doc. 60] at this time, as explained further during the hearing. If discovery concludes without the need to further address the motion for protective order [Doc. 60], the motion will be denied as moot at the close of the discovery period.

The Court will also **RESERVE RULING** on the Minority Shareholders' two unopposed motions for leave to file certain documents produced by the Majority Shareholders and deposition transcript excerpts under seal [Docs. 52 & 68]. The parties are **DIRECTED** to file an appropriate pleading no later than **Friday, March 14, 2014** to specifically state why each of the proposed sealed documents should be sealed under applicable precedent.

The Court specifically **RESERVES** the right to address the parties' conduct during the entire discovery process as it pertains to any future filings requesting sanctions for alleged discovery misconduct or shortcomings.

SO ORDERED.

ENTER:

s/ Susan K. Lee
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE